

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK-----X  
ONEPLUS USA CORP.,  
:Plaintiff,  
:-v-  
:PHOBIO LLC,  
:Defendant.  
:  
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25 Civ. 4453 (JPC)

ORDER

JOHN P. CRONAN, United States District Judge:


Plaintiff filed its Complaint on May 30, 2025, invoking the Court's subject matter jurisdiction on the ground of diversity of citizenship under 28 U.S.C. § 1332. Dkt. 1 ¶ 3. According to the Complaint, Defendant Phobio LLC is a limited liability company organized and existing under the laws of Georgia with offices in Georgia. *Id.* ¶ 2. A limited liability company ("LLC") takes the citizenship of its members. *See Handelsman v. Bedford Vill. Assocs. L.P.*, 213 F.3d 48, 51-52 (2d Cir. 2000); *see also Brady v. IGS Realty Co.*, No. 19 Civ. 10142 (PAE), 2020 WL 5414683, at \*10 (S.D.N.Y. Sept. 8, 2020). A complaint premised upon diversity of citizenship must therefore allege the citizenship of natural persons who are members of an LLC as well as the place of incorporation and principal place of business of any corporate entities that are members of the LLC. *See Handelsman*, 213 F.3d at 51-52; *see, e.g., New Millennium Cap. Partners, III, LLC v. Juniper Grp. Inc.*, No. 10 Civ. 46 (PKC), 2010 WL 1257325, at \*1 (S.D.N.Y. Mar. 26, 2010). Here, the Complaint alleges only the place of organization and business address of Defendant Phobio LLC. It does not allege the states of citizenship or the citizenship of any of Defendant's members, as is required for purposes of diversity jurisdiction.

Accordingly, it is hereby ordered that by June 6, 2025 Plaintiff shall amend its Complaint

to allege the citizenship of each of the Defendant LLC's members. If Plaintiffs fail to amend the Complaint by that date, or otherwise properly establish this Court's jurisdiction pursuant to 28 U.S.C. § 1332(a)(2), the Court will dismiss this action for lack of subject matter jurisdiction without further notice.

SO ORDERED.

Dated: May 30, 2025  
New York, New York

  
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JOHN P. CRONAN  
United States District Judge